

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

06-cr-0748 (LAK)

MARIA MAXIMO,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge.*

Defendant, who is 68 years of age and suffers from a number of medical conditions including end stage renal disease requiring kidney dialysis, now is incarcerated at FMC Carswell. She has moved for compassionate release.

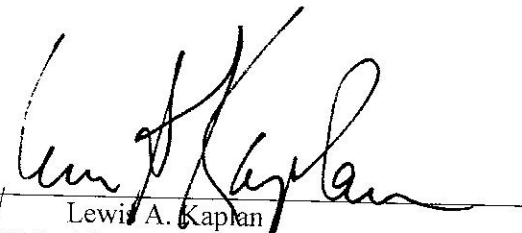
Her appointed counsel has described a "release plan" in very general terms. It includes residing with an unidentified sister-in-law or sister in San Francisco, an individual who is said to be financially stable. No reference is made to how the defendant would be able to continue kidney dialysis if she were released aside from a statement that she "believes" that she would qualify for Medicare and Medicaid.

Given the defendant's medical condition and her failure to comply with all conditions of a previous release by the Bureau of Prisons, the Court needs greater detail before it can give full consideration to the pending motion. This should include the identity of the person with whom defendant suggests she would reside, evidence that that person is amenable to the proposed living arrangements, evidence as to defendant's ability to procure and, if necessary, pay for the kidney dialysis and other medical care, and such additional information as would be helpful in evaluating whether defendant's substantial needs could be met in the event she were released and whether the circumstances would ensure her compliance with any conditions that might be imposed..

Defendant and her counsel have every interest in making as good and as prompt a submission as they can. Accordingly, it is unnecessary to set any deadline beyond saying that the Court is not comfortable in granting the motion on the present record in light of the risks that would be involved in the absence of a detailed release plan. This of course should not be construed as implying that the Court necessarily would grant the motion even if a better and more detailed release plan were put forward.

SO ORDERED.

Dated: May 14, 2021



Lewis A. Kaplan
United States District Judge